

U.S. Department of Justice



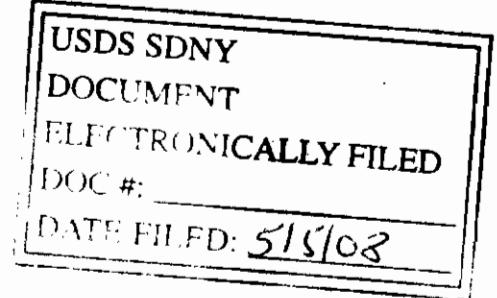
United States Attorney
Southern District of New York

86 Chambers Street, 3d Floor
New York, New York 10007

May 2, 2008

BY HAND

The Honorable Richard J. Sullivan
United States District Judge
Daniel Patrick Moynihan United
States Courthouse
500 Pearl Street, Room 615
New York, NY 10007



Re: *Beasley v. United States of America*,
07 Civ. 11154 (RJS)

Dear Judge Sullivan

I write regarding the Court's March 13, 2008 Order in the above-referenced medical malpractice action brought pursuant to the Federal Tort Claims Act ("FTCA"), 28 U.S.C. §§ 1346(b), 2671-80, which scheduled a status conference for May 8, 2008, at 10:00 a.m., and which directed the parties to submit a joint letter describing various aspects of the case, and a proposed Case Management Plan and Order, by 4:00 p.m. on May 5, 2008. I respectfully request a 14-day adjournment of the Court's March 13, 2008 Order.

I make this request because I was unaware of the Court's Order until today, when I conducted a routine review of the docket in this matter, based on my recent return to the Office from paternity leave. Specifically, the Court's Order was electronically issued more than a month before the Government had filed its answer in this matter. Because defense counsel are not registered to receive ECF notifications until they appear electronically by answering the complaint, I was not registered for, and therefore did not receive, electronic notification of the Court's Order. In addition, to date, I have not been contacted by plaintiff's attorney regarding the Court's Order. This is the Government's first request for an adjournment of the Court's March 13, 2008 Order. I attempted to contact plaintiff's counsel, Mitchell Gittin, Esq., this afternoon to discuss the matter and to obtain his consent, but he was not available at that time.

Thank you for your consideration of this request.

The order was issued on the same day that the Court granted the Government's request to extend the time in which to answer or otherwise respond to the Complaint until April 25, 2008. Defense counsel should have filed a notice of appearance when it filed its March 13, 2008 letter seeking such

Respectfully submitted,

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adjournment. Nevertheless, the conference
is adjourned one week, to May 15,
2008 at 10:30 AM. The joint status
letter and proposed Case Management
plan shall be filed no later than
May 8, 2008.

SO ORDERED
Date: 5/5/08 RICHARD J. SULLIVAN
U.S.D.J.